

An aspect of possible confusion that caused the CTIA petition may be due to an error or omission in the rules that were ordered by the FCC, 4th Report and Order, adopted 5/28/03. The FCC issued one errata to this 4th M&O, but another clarification or correction may be needed.

In Section 52.31, which deals with the CMRS deployment schedule, there is not a section that provide for a carrier to "request" LNP outside the Top 100 MSA. In Section 52.23 (c) a LEC must make number portable 6 months after a request is received in areas where the LEC is operating or plans to operate. There is no comparable section applying to CMRS. Section 52.31(b), which does apply to CMRS providers, requires that providers have the capability in their networks to route to ported providers. This seems to apply beyond the top 100 MSA locations. However, nowhere is it identified how any party would "request" LNP service of a CMRS provider outside the top 100 MSAs. Parties can only "request" LNP service in the top 100 MSAs per Part 52.31(a).